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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ERIC “DOC” JENSEN, JR.,

Defendant.

Case No. CR-18-155-BLG-DLC

**NOTICE TO WITHDRAW
CONSENT TO RULE 11 PLEA IN
A FELONY CASE MAGISTRATE
JUDGE**

COMES NOW, Defendant JAMES ERIC “DOC” JENSEN, JR., by and through his Counsel of record, Steven C. Babcock, Assistant Federal Defender, and the Federal Defenders of Montana, hereby provides notice to withdraw the consent to proceed with the change of plea with the Magistrate Judge.

On February 7, 2019, Jensen informed the Court that he wished to plead guilty to the Indictment without the benefit of a plea agreement. Doc. 17. Chief Judge Christensen referred the change of plea to the Magistrate Judge and Jensen's change of plea was scheduled for February 12, 2019. At the change of plea hearing, Jensen consented to have the Magistrate Court conduct the anticipated plea of guilty. Doc. 22. The change of plea did not go through. After a continuance, the change of plea is currently scheduled for March 4, 2019.

The undersigned has consulted with Jensen on numerous occasions since February 12, 2019. Jensen still plans on entering a knowingly and voluntarily plea of guilty to the Indictment; however, he is now exercising his right to enter a change of plea before a United States District Court Judge. He withdraws his consent to proceed before a United States Magistrate Judge. Knowing all of the facts of the case and after thoroughly discussing his options with the undersigned, Jensen is of the belief that changing his plea to guilty at the current time is in his best interest.

The respective parties are willing to travel to Missoula or Butte to proceed before Chief Judge Christensen. The undersigned will be out of the office on March 7-8, 2019. It is respectfully requested that the change of plea be scheduled in the near future if possible.

Zeno B. Baucus and Bryan T. Dake, Assistant United States Attorneys, have been consulted regarding said Notice and have no objection.

RESPECTFULLY SUBMITTED this 28th day of February, 2019.

/s/ Steven C. Babcock

STEVEN C. BABCOCK

Federal Defenders of Montana

Counsel for Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on February 28, 2019, a copy of the foregoing document was served on the following persons by the following means:

| | |
|---------------|----------------------------|
| <u>1, 2</u> | CM-ECF |
| <u> </u> | Hand Delivery |
| <u>3</u> | Mail |
| <u> </u> | Overnight Delivery Service |
| <u> </u> | Fax |
| <u> </u> | E-Mail |

1. CLERK, UNITED STATES DISTRICT COURT
2. ZENO B. BAUCUS
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Counsel for the United States
3. JAMES ERIC "DOC" JENSEN
Defendant

/s/ Steven C. Babcock

STEVEN C. BABCOCK
Federal Defenders of Montana
Counsel for Defendant